

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PERCY HOGAN JR., ) CIVIL ACTION NO. 10-846  
Plaintiff, )  
v. ) JUDGE JOY FLOWERS CONTI  
THE RAYMOND CORPORATION and )  
GIANT EAGLE INCORPORATED, )  
Defendants. )

**ORDER**

AND NOW, this 12<sup>th</sup> day of September, 2012, having considered the Plaintiff's Motion for the Court to Disallow Defendant's Invoice for Non-Compliance with the Court's Sanction Order (ECF No. 78) and the response thereto, it is hereby granted in part and denied in part.

At the hearing held on August 7, 2012, the court stated:

If you want to continue the litigation, you are going to have to pay up front -- that means within fifteen days of an invoice -- for the costs and expense of the Defendant in preparing this motion to -- the motion to obtain the rule to show cause, their response, his attendance here today, and you would have to pay the continued costs for your deposition.

(HT 8/7/12 at 15). Plaintiff chose to pay the sanctions. The sanctions included defendant's costs and expenses (including attorneys' fees and costs) relating to the rule to show cause and the costs (but not the attorneys' fees) of the continued deposition.

The court finds the defendant's reasonable costs and expenses (including attorneys' fees and costs) of the cause motion and to attend the court hearing with respect to that motion are: \$3,718.57.

The court finds the reasonable costs of the continued deposition (including the cost of the stenographer and videographer) are: \$1,786.40.

**IT IS ORDERED that the total amount of sanctions to be paid is: \$5,504.97.**

**If plaintiff fails to pay that amount by cashier's or certified check to defendant on or before September 20, 2012, this case will be automatically dismissed with prejudice.**

/s/ Joy Flowers Conti  
Judge Joy F. Conti  
United States District

Cc:

Percy Hogan, Jr.  
300 Farren Street  
Sewickley, PA 15143